

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MALLINCKRODT HOSPITAL PRODUCTS)	
IP LIMITED and MALLINCKRODT)	
HOSPITAL PRODUCTS INC.,)	
)	
Plaintiffs,)	C.A. No. 18-1090 (LPS)
)	
v.)	
)	
B. BRAUN MEDICAL INC.,)	
)	
Defendant.)	

STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE

This action for patent infringement has been brought by Plaintiffs Mallinckrodt Hospital Products Inc. (“Mallinckrodt Hospital”), and Mallinckrodt Hospital Products IP Ltd. (“Mallinckrodt Hospital IP”) (together, the “Mallinckrodt Parties”), for infringement of U.S. Patent No. 9,987,238 (the “Plaintiffs Patent”). The Mallinckrodt Parties’ commencement of this litigation was based on its receipt of notice that Defendant B. Braun Medical Inc. had filed New Drug Application No. 204957 with the United States Food and Drug Administration (the “FDA”) containing a certification pursuant to 21 U.S.C. § 355(b)(2)(A)(iv).

The Mallinckrodt Parties and Braun have agreed to terms and conditions representing a negotiated settlement of this action and have set forth those terms and conditions in a Settlement Agreement and two (2) License Agreements, each dated as of October 3, 2018, by and among the applicable Mallinckrodt Parties and Braun (collectively, the “Settlement Documents”).

Now the parties, by their respective undersigned attorneys, hereby stipulate as follows:

IT IS this ____ day of October, 2018,

ORDERED, ADJUDGED AND DECREED as follows:

1. Terms used in this Consent Judgment and Order and not otherwise defined shall have the meanings ascribed thereto in the Settlement Documents.
2. All claims, defenses, and counterclaims between the Mallinckrodt Parties and B. Braun are hereby dismissed with prejudice.
3. This Court retains jurisdiction to enforce or supervise performance of the Settlement Documents.
4. Each party shall bear its own costs, disbursements and attorneys' fees.
5. The Clerk of the Court is directed to enter this Stipulation and Order of Dismissal.

Honorable Leonard P. Stark
Chief, United States District Court Judge

We hereby stipulate to the form and entry of this Order.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

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